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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,871	03/16/2004	Sung-hee Hwang	1793.1218	1566
49455 7590 04/15/2008 STEIN, MCEWEN & BUI, LLP 1400 EYE STREET, NW SUITE 300 WASHINGTON, DC 20005				
EXAMINER				
ORTIZ CRIADO, JORGE L				
ART UNIT		PAPER NUMBER		
2627				
MAIL DATE		DELIVERY MODE		
04/15/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/800,871

Applicant(s)

HWANG ET AL.

Examiner

JORGE L. ORTIZ CRIADO

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 23-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to the claims in view of the amendments made have been considered but are moot in view of the rationale of rejection as outlined in the following rejections.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-7, 11-14 and 18-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 and 11 recites the limitation "during each operation" in line 7 of the claims. There is insufficient antecedent basis for this limitation in the claim, because there is no operation being claimed so as to refer to one. It is not clear what the Applicant is trying to encompass with this language.

Dependent claims 5-7 and 12-14 fall together accordingly.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Ito et al. U.S.

Patent No. 7,031,239.

From the alternative language ($N = 1, 2, \dots$) in the claim, the claims are given their broadest reasonable interpretation and in light of the supporting disclosure as the size equal to $N = 1$.

Regarding claim 1, Ito et al. discloses a recording method, comprising: separately recording to an optical recording medium (for each entry a separate record space area; Figs. 1-5): temporary defect information (first entry 22 in the list) with a size equal to a multiple ($N=1$) of a predetermined size (K) (size that takes to fulfill one entry 22) among entire temporary defect information, and remaining (every other entry 22 till Mth entry) temporary defect information, excluding the temporary defect information with the size equal to $K \times N$, among the entire temporary defect information (see Figs. 1-2).

Regarding claim 2, further comprising:

recording size information of the temporary defect information with the size equal to $K \times N$ (number of entries 21; size obtained from the number of entries),

information indicating a location of the temporary defect information (SDL header) with the size equal to $K \times N$, and information indicating a location (same SDL header) of the remaining temporary defect information, excluding the temporary defect information with the size equal to $K \times N$, to the optical recording medium (Fig. 1b).

Regarding claim 4, Ito et al. discloses continuously recording temporary defect information (an entry # 22) with a size equal to a multiple ($N=1$) of a predetermined size (K) among entire temporary defect information to at least one portion of an optical recording medium; and

accumulating and recording remaining temporary defect information (every other entry #22), excluding the temporary defect information with the size equal to $K \times N$, among the entire temporary defect information to the optical recording medium “during each operation” (see Figs 2-5), until a size of the accumulated temporary defect information reaches K (every accumulated entry #22 is recorded in the recording medium).

Regarding claim 5, Ito et al. discloses recording size information of the temporary defect information with the size equal to $K \times N$ (number of entries 21; size obtained from the number of entries),

information indicating a location of the temporary defect information (SDL header) with the size equal to $K \times N$, and information indicating a location (same SDL header) of the accumulated

temporary defect information, excluding the temporary defect information with the size equal to $K \times N$, to at least one portion of the optical recording medium (Fig. 1b, 2-5).

Regarding claim 6, Ito et al. discloses if a size of the remaining temporary defect information reaches the predetermined size K during “one of the operations”, continuously recording the temporary defect information with the size equal to $K \times N$ and the remaining temporary defect information, excluding the temporary defect information with the size equal to $K \times N$, to at least one portion of the optical recording medium (see Figs. 2-5; for every other entry 22, its continuously records the temporary defect information).

Regarding claim 7, Ito et al. discloses recording size information ($K \times N + K$) of the continuously recorded temporary defect information and information indicating a location of the continuously recorded temporary defect information to the optical recording medium (the SDL number is updated such as if there is another entry would include $+ k$ size).

Regarding claims 8, 9 and 11-14, Apparatus claims 8, 9 and 11-14 are drawn to the apparatus corresponding to the method of using same as claimed in claims 1-2 and 4-7, and are rejected for the same reasons of anticipation as used above.

Regarding claims 15-16 and 18-21, recording medium claims 15-16 and 18-21 are drawn to the recording medium recorded using the corresponding method and apparatus as claimed in

claims 1-2 and 4-7; and 8, 9 and 11-14, and are rejected for the same reasons of anticipation as used above.

Regarding claim 22, claim 22 is drawn to the program being used for performing the method performed by the apparatus of claim 12, and further reciting the limitations of using the temporary defect information recorded, which are met by Ito et al reference. Hence, is rejected for the same reasons of anticipation as used above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JORGE L. ORTIZ CRIADO whose telephone number is (571)272-7624. The examiner can normally be reached on Mon.-Fri 10:00 am- 6:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jorge L Ortiz-Criado/
Patent Examiner, Art Unit 2627